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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/848,902   | 05/19/2004  | Lowell D. Palecek    | RA5599(33012/379/101) | 6027             |
| 27516  | 7590        | 09/13/2007           |                       |                  |
| UNISYS CORPORATION<br>MS 4773<br>PO BOX 64942<br>ST. PAUL, MN 55164-0942 |             |                      | EXAMINER<br>HO, ANDY  |                  |
|  |             |                      | ART UNIT              | PAPER NUMBER     |
|  |             |                      | 2194                  |                  |
|  |             |                      | MAIL DATE             | DELIVERY MODE    |
|  |             |                      | 09/13/2007            | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/848,902

Applicant(s)

PALECEK ET AL.

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the application filed 5/19/2004.
2. Claims 1-21 have been examined and are pending in the application.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the serial number, filing date and status of the co-pending applications need to be updated (lines 8-14 page 1). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

- (i) said permitting means – line 1 claim 12. Correction is required.
- (ii) the improvement – line 2 claim 16. Correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 6 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to define the metes and bounds of an invention comprised of software alone without claiming associated computer hardware required for execution. Software alone, without a machine, is incapable of transforming any physical subject matter by chemical, electrical, or mechanical acts.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Woodard U.S Patent No. 7,032,011.

**As to claim 1**, Woodard teaches (lines 13-34 column 7) a method of transferring data from a first application to a second application comprising: determining a format associated with said data; ascertaining a location of said data; packing said format and

said location into a message having a predefined format; transferring said message from said first application to said second application; unpacking said message to determine said format and said location; and accessing said data by said second application using said format and said location.

**As to claim 2**, Woodard further teaches said data further comprises a plurality of data objects (lines 51-63 column 6).

**As to claim 3**, Woodard further teaches said predefined format further comprises Extended Markup Language (lines 13-34 column 7).

**As to claim 4**, Woodard further teaches transferring via a publically accessible digital data communication network (Fig. 1).

**As to claim 5**, Woodard further teaches said publically accessible digital data communication network further comprises the Internet (lines 1-15 column 4).

**As to claim 6**, Woodard teaches (lines 13-34 column 7) an apparatus comprising: a first application program; a second application program responsively coupled to said first application program; a message having a preexisting format generated by said first application program for transfer to said second application program; a data object responsively coupled to said first application program having a location and having a format; and wherein said message contains a definition of said location and said format.

**As to claims 7-8**, they are apparatus claims of claims 4 and 3, respectively. Therefore, they are rejected for the same reasons as claims 4 and 3 above.

**As to claim 9**, Woodard further teaches a user terminal containing said first application program (Fig. 1).

**As to claim 10**, it is an apparatus claim of claim 5. Therefore, it is rejected for the same reasons as claim 5 above.

**As to claim 11**, Woodard teaches (Fig. 1, lines 13-34 column 7) an apparatus comprising: first application program means for providing a user interface; second application program means responsively coupled to said first application program means for offering a data processing service; data object means responsively coupled to said first application program means having a location and a format; and message generation means responsively coupled to said first application program means for preparing a message having a preexisting format for transfer of said location and format of said data object means from first application program means to said second application program means.

**As to claim 12**, Woodard further teaches means for generating a second service request (line 35 column 7 to line 44 column 8).

**As to claims 13-15**, they are apparatus claims of claims 4-5 and 3, respectively. Therefore, they are rejected for the same reasons as claims 4-5 and 3 above.

**As to claim 16**, Woodard teaches (Fig. 1, lines 13-34 column 7) in a data processing system having a first application program responsively coupled to a second application program, comprising: a data object having a location and a format; a message having a preexisting format for transfer from said first application program to

said second application program; and wherein said message contains said location and format.

**As to claims 17-20**, they are system claims of claims 4-5, 9 and 3, respectively. Therefore, they are rejected for the same reasons as claims 4-5, 9 and 3 above.

**As to claim 21**, it is an apparatus claim of claims 6-9. Therefore, it is rejected for the same reasons as claims 6-9 above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 - 3762

A.H

September 11, 2007

A handwritten signature in black ink, appearing to read 'A.H.', with a long, sweeping horizontal line extending to the right.